

September 12, 2003

FACT SHEET

Technical Amendment to the National Emissions Standard for Asbestos

TODAY'S ACTION

- The Environmental Protection Agency (EPA) is amending its regulation to reduce air emissions of asbestos. This technical amendment identifies the current Occupational Safety and Health Administration (OSHA) regulatory citations for properly labeling asbestos waste, which are included in EPA's National Emissions Standard for Asbestos.
- When EPA last revised the national emissions standard for asbestos in 1990, the rule referenced OSHA's labeling requirements for asbestos waste in the *Code of Federal Regulations*. Since then, OSHA renumbered their requirements for labeling asbestos waste, and therefore the National Emissions Standard for Asbestos must be amended to reflect the *Code of Federal Regulations* reference for OSHA's requirements.
- There are no new health or environmental benefits associated with this action. There are no additional costs imposed by this action.

BACKGROUND

- Under the 1970 Clean Air Act, EPA regulated hazardous air pollutants from all known sources of the pollutant, regardless of the amount of pollutant being released. These standards were generally risk-based. The National Emissions Standard for Asbestos is risk-based with regards to the pollutant, but is a technology-based standard, that is, it uses work practices and air pollution control technology to limit releases of asbestos to the environment from milling, manufacturing, fabrication, demolition, renovation, and asbestos waste disposal activities.
- During the 1970s and 1980s, the chemical-by-chemical regulatory approach—an approach based on risk—proved difficult. In 20 years, EPA regulated only seven pollutants. Asbestos is one of those seven. Benzene, beryllium, inorganic arsenic, mercury, radionuclides, and vinyl chloride are the others. Collectively, these standards cut annual air toxics emissions by an estimated 125,000 tons.
- Realizing the limitations of a chemical-by-chemical decision framework based on risk, and acknowledging the gaps in scientific and analytical information, Congress adopted the new strategy in 1990, when the Clean Air Act was amended.

- The Clean Air Act of 1990 requires EPA to identify industrial or “source” categories that emit one or more of the listed 188 toxic air pollutants. These source categories are first regulated by applying control technologies demonstrated by the best performing plants. These control strategies are known as maximum achievable control technology or MACT. Then, within 4 years of promulgation of the MACT standard, the source category is regulated under a residual risk standard if further reductions are needed on the basis of risk.
- For major sources within each source category, the Act requires EPA to develop standards that restrict emissions to levels consistent with the lowest emitting (also called best-performing) plants. Under the MACT program, major sources are those sources that emit 10 tons per year or more of a single air toxic or 25 tons per year or more of a combination of air toxics.

FOR MORE INFORMATION

- To download the technical amendment from EPA’s website under “Recent Actions”, go to the following address: <http://www.epa.gov/ttn/oarpg>.
- For further information, contact Susan Fairchild at EPA’s Office of Air Quality Planning and Standards at 919.541.5167.